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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,304	06/18/2001	Colleen C. Lubking	05793.3038-00000	6864
22852	7590	04/07/2006	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			MILEF, ELDA G	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/882,304	LUBKING ET AL.	
	Examiner	Art Unit	
	Elda Milef	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Specification***

1. The specification is objected to because of the following:

\*p. 9, para. 29, line 12, "financial service provider 200" should be --financial product provider--;

\*p. 9, para. 29, line 13, " output module 220" should be -- output module 230--.

\*p. 10, para. 30, line 1, "Output module 2300" should be --Output module 230--.

Correction is required. See MPEP § 608.01(b).

***Claim Objections***

2. Claim 10 is objected to because of the following informalities: "receiving information call center database." Should be -receiving information from a call center database--. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 29 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Re claims 29 and 30:** It is unclear if the claims are method or apparatus claims as claim 29 is dependent from an apparatus claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 11, 14-20, 24-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Sloan (US PG Pub. NO. 2003/0144936).

**Re claim 1:** Sloan disclose:

receiving customer information describing a life status for said customer ("In a preferred embodiment, input section 116

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includes life path model 122, user financial information 124, external market data 126, as well as user interaction data266..")-see pars. 32-33, and ("Using the terminal 110 the user inputs his life intentions in terms of projected income and expenses.")-see 58, para. 64 and Figure 2;

determining a revised life status for said customer based on the received customer information ("The Lifepath model 256 combines all the pertinent financial information about a user in one coherent and comprehensive picture and models the user's life intentions into an aggregated cash flow system over a user selected period of time")-see para. 58;

selecting, from a set of financial products, the financial product for the customer based on said life status ("In addition to providing coaching to the user, coaching generating subsystem 266 also recommends product solutions to the user.")-see para. 65, also, see pars. 59-61, 63-64.

**Re claim 2:** Sloan disclose:

receiving information from an Internet database (" a database for receiving personal user financial data connected to a wide are network")-see p 12, line 12-13, pars. 28 and 60.

**Re claim 3:** Sloan discloses:

determining the revised life status of the customer based on the information received ("The Lifepath model 256

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combines all the pertinent financial information about a user in one coherent and comprehensive picture and models the user's life intentions into an aggregated cash flow system over a user selected period of time")-see para. 58;

**Re claim 4:** Sloan discloses:

wherein selecting said financial product further selecting said financial product based on said revised life status using an algorithmic model -see pars. 95, 105-107 and Fig. 6.

**Re claim 11:** Sloan disclose receiving information from an Internet database.-see para. 60 and page 12 lines 12-13.

**Re claim 14:** Sloan disclose periodically collect said customer information -see pars. 33, 58, 59,77, 110, 115.

**Re claim 15:** Sloan disclose inputting customer information into a predetermined matrix to designate the financial product to be selected -see "Lifepath model" pars. 58-61;

offering said financial product to said customer-pars. 33-34,64-65.

**Re claim 16:** Sloan disclose inputting customer information into an algorithmic model to calculate which financial product is to be selected-see "risk modeling algorithm"-pars. 95, 105-107;

offering said financial product to said customer-see pars. 109, 116.

**Re claims 17-20:** Sloan disclose a system-see Figs. 1,3-6, para. 28 to perform the method of previously rejected claims 1-4 and are therefore rejected using the same art and rationale.

**Re claims 24-27:** Sloan disclose a computer, a memory having program instructions; and a processor, responsive to programming instructions-see Figs. 1,3-6, pars. 38-39 to perform the method of previously rejected claims 1-4 and are therefore rejected using the same art and rationale.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 5-7, 13, 21-23, 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloan.

**Re claims 5 and 13 :** Although Sloan disclose that the coaching engine can direct the user to the need for financial products such as, bridge loans, line of credit, or credit card products-see pars. 34 and 65, Sloan do not explicitly refer to

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determining the creditworthiness of the customer. It is old and well known in the art of finance that in order to qualify for a loan, the customer must be creditworthy. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sloan to include approving the customer for credit as is old and well known in the art, prior to suggesting the line of credit or credit card in order to minimize the potential risk to lenders and in order to provide accurate recommendations to the customer. Further, regarding claim 13, Sloan discloses selecting the financial product based on said revised life status and said credit worthiness-see Fig. 2, and pars. 32-34.

**Re claim 6:** Sloan disclose optimizing said financial product based on said creditworthiness. -see pars. 34, 65.

**Re claim 7:** Sloan disclose offering said financial product to said customer.-see pars. 33, 34, 35, 65, 77.

**Re claims 21-23:** Sloan disclose a system-see Figs. 1,3-6, para. 28 to perform the method of previously rejected claims 5-7 and are therefore rejected using the same art and rationale.

**Re claims 28-30:** The Examiner is interpreting the preamble of claims 29-30 to read "A computer for providing a financial product to a customer...". Sloan disclose a computer, a memory having program instructions; and a processor, responsive to



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programming instructions-see Figs. 1,3-6, pars. 38-39 to perform the method of previously rejected claims 5-7 and are therefore rejected using the same art and rationale.

6. Claims 8-10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloan in view of Litzow (US PG Pub. NO. 2003/0093414).

**Re claims 8-10, 12:** Although Sloan disclose a database for receiving personal user financial data-see page 12 lines 12-13, Sloan does not explicitly disclose receiving information from a purchase database, an application database, a call enter database, and a public records database. Litzow teaches ("These include relational databases 110, 120, and 130. In the Customer Database 110, the DPS stores Customer Data 111, i.e., all information from whatever source that might be useful in demographic studies as well as all information personal to the Customer. The Customer Database 110 will include all credit history [public records database], all purchase history [purchase database], responses to surveys (if any)\*[application database], and the initial listing application information, including the associations between vendor and customer for the production of bills. The Customer Database is also the repository for any obligations owing on bills from those

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vendors. ") -see para. 86; and ("The Customer Service Database 190 stores all requests for service on existing transactions. Service, in this sense, means returns, stop payments and other adjustments on accounts. The Customer Service Agency 191 handles the calls for service and the results are stored on the database 190 [call center database] -see para. 89.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sloan to include receiving information from various databases as taught by Litzow in order to obtain sufficiently accurate information concerning the consumer's preferences based on the consumer's behavior and apply the information to product recommendation.

### **Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Atkins (US Patent No. 5,852,811) - cited for a method for managing financial accounts by a preferred allocation of funds among accounts and credit optimizing.

Gardenswartz et al. (US. Patent No. 6,055,573) - cited for purchase history database.

Moran (US Patent No. 6,430,542)-cited for a computer-implemented program for financial planning and advice system using demographic and financial data files.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elda Milef whose telephone number is (571)272-8124. The examiner can normally be reached on Monday - Friday 9:15 am to 5:45 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on (571)272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

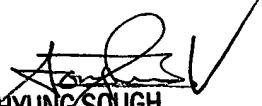
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